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VESELEY_ESTATES_AT_STEPHEN'S_WOODS_SENIOR_HOUSING_

(08-07)

MR. ARGENIO: Veseley Estates. This is a proposed senior housing multi-family. The application proposes 146 units senior housing multi-family residential complex on 25.7 acre property. The plan was reviewed on a concept basis only. Sir, what's your name?

MR. FELLENNER: Good evening, my name is Mark Fellenzer.

MR. ARGENIO: I want to ask you a question, I want to read from Mark's comment. The planning board previously reviewed the submittal as part of the referral from the Town Board. At that time the planning board noted concern regarding the density, and as well the wetlands issue. Can you comment on that?

MR. FELLENNER: Sure, I'd be happy to. Just that specific issue?

MR. ARGENIO: First I'd like you to comment on that.

MR. FELLENNER: The density has not changed from the previously submitted. The layout has been modified somewhat with the storm water and relocation based on Mark's recommendation and I believe the Planning Board's with respect to the tennis court and recreational facility.

MR. ARGENIO: Did you take constructed facilities associated with this project out of the wetland and out of the wetland buffer?

MR. FELLENNER: The only item that's in the wetland buffer at this time is a fire fighting access road, we have met with the DEC, the DEC buffer, not Army Corps and the DEC is fine with this, we have also met with fire inspector, he's reviewed it, he's fine with this

and as well as he's placed where it's located the fire hydrants.

MR. ARGENIO: How do you speak to the density?

MR. FELLENER: I'd like to speak to the density.

MR. ARGENIO: I wish you would.

MR. FELLENER: We're right now at approximately 80 percent of the allowable density in the district. We're at about 7 1/2 units per acre with an allowance of 9 units per acre, so we're, we would be allowed approximately 24 percent more units, 181 total would be allowed to be constructed. We have a net usable of 20.20 acres of the 25.73 on the site. With the building coverage we're 11.3 percent, building coverage on the site our roads, sidewalks and parking areas are 15.3 percent on the site leaving us an open space of 73.4 percent. We note that the zoning allows coverage up to 75 percent while we're at approximately 26 percent.

MR. VAN LEEUWEN: Yeah but one you say senior housing next thing you say single family homes.

MR. FELLENER: I'd like to explain that so people are clear.

MR. VAN LEEUWEN: This is not senior housing as far as I'm concerned, it's filling it up but not senior housing.

MR. FELLENER: I will try to address it overall and then any specific questions. This is a one ownership in terms of its condominium project, it's an overall condo, we're labeling these types so people have a better understanding of what they are, they're all condos but when you show someone this and say it's a condo it tends to be confusing for people. When you

show them a townhouse and say it's a condo, it tends to be a little confusing for them. When you show them this and say it's a condo maybe that's not so confusing for people because a condominium is a form of ownership, not a form of construction. So what we have called this, this is the, to try to help clarify it's a single family style, I'm not sure if you're familiar with Orleans project, Wild Flower in the Town of Wallkill, they're 142 of these type of units that's a 55 plus community, they call it active senior if you will. They're all what I call single family style but they're condominium ownerships. If you're familiar with the Fairways project also in the Town of Wallkill adjacent to Orange County golf Club there's a mix there of townhouse styles that's a K. Hovnanian project, sorry, that's a Ginsberg project, there's some vertical, what we would, most people would think of as a townhouse style unit, there are also duplex style units on the site. So in terms of this, this is, these are all condos, when we refer to these as apartment style or flats these would be townhouse style or verticals in here and these would be I'll say single family style.

MR. ARGENIO: How about that legal definition, Dominic, can you affirm or refute what I'm hearing here? I certainly don't claim to be an expert on the definition of condos, townhomes and single family homes but common sense would certainly lend credence to Mr. Van Leeuwen's commentary.

MR. CORDISCO: Well, in a sense, I mean, it is accurate to say that condominium really is a form of ownership and it's not necessarily a style of building. Could you have what essentially looks like single family residences but it's in condominium ownership, in other words, the condominium as a single owner, a single entity owns the entire site and the person who owns a share in the condominium actually has the right to occupy a particular unit. That's not when I think of

condos, condos typically is shorthand for a townhouse multi-family development but it's not necessarily the case. You could, for instance, we just worked on a project that was three industrial buildings, separate industrial buildings, very large ones where it was divvied up as a condominium ownership where three different tenants came in and they occupied those three buildings and they have a share but overall site is operated by one condo.

MR. ARGENIO: Was that--

CORDISCO: That's in Hamptonburg.

MR. FELLENER: Your specific senior housing zoning under 300-18 (e) subsection 1, subsection A, specifically talks about it and I will quote, the senior citizen site plan may be a mix of various occupancy units multiple unit three dwelling units or greater duplex and/or single units.

MR. ARGENIO: Okay.

MR. VAN LEEUWEN: Just, you know, everybody is coming in to the planning board with these large subdivisions, okay, or these large complexes, they're saying senior citizens, how many seniors citizens we got in this town? Because I tell you something, this is about the third or fourth one we've looked at. How many seniors we got in this town? So you're going to have to sell it to people that have children, you don't have a choice.

MR. FELLENER: I can provide you some numbers but very interesting in the next 15 years how many of the baby boomers will become by definition senior citizens.

MR. ANARUMO: And this is more of an active community.

MR. VAN LEEUWEN: Fifteen years from today is a big

difference, 15 years from now probably won't been here, I'll be pushing up daisies.

MR. FELLEENZER: Numbers are quite high actually.

MR. ANARUMO: Right now there's millions and millions of--

MR. ARGENIO: Sir, I need to know your name please and stand up.

MR. ANARUMO: Thomas Anarumo. I'm part of Stephen's Woods and we did market studies and I can get you actual numbers if you'd like how many baby boomers there are active adults 55 but in the many, many, many millions right now so largest I would say population.

MR. ARGENIO: I have to tell you I don't personally get choked up about that because that's your risk, that's your market risk, so I don't really get twisted up about it but the beauty of this board is that we have such a broad spectrum of age, experience and expertise that we tend to touch on a little bit of everything with these applications. But what I am concerned about I will tell you this, Mr. Fellenzer and I said to an applicant three weeks ago, four weeks ago, whenever our last meeting was was when you draw a plan and you draw the foundation right on the line of the buffer I don't like that. You know what that tells me? That tells me it's crowded, tells me there's too much going on there. And 1, 2, 3, 4, 5, 6, 7, 9 instances you have construction occurring just about right on the line on the plans where the hundred foot buffer is where you're not supposed to be in and the fact of the matter is you're going to be in that there when you do the construction that's the reality of construction, you and I both know that.

MR. CORDISCO: Mr. Chairman, I also believe that there's storm water basins that are shown actually

located in the adjacent area.

MR. ARGENIO: There certainly are storm water basins shown in that area.

MR. FELLEENZER: I'd be happy to address that as well.

MR. ARGENIO: Sure.

MR. FELLEENZER: We have met with the DEC on site, just understand some background if you look at the DEC mapping of this area it does not show the DEC wetlands as close to the property as the federals are. DEC though in recent time have decided that once you have had a federal delineation done and they have a DEC wetland in the area they'll like to move their mapped wetlands out to the federal line. Now you thus create a hundred foot buffer on the well, the hundred foot buffer exists DEC requirements but basically puts a hundred foot on the federal lines and now we have met with the DEC on site and specifically have their verbal approval to do this type of work in the buffer.

MR. ARGENIO: One of the things I was going to ask you do you have a letter from there?

MR. FELLEENZER: No, obviously it has to go to them for review, they would be one of the involved agencies.

MR. ARGENIO: Maybe they should be lead agency. Is that unheard of?

MR. VAN LEEUWEN: No, it's not unheard of.

MR. CORDISCO: No, the DEC actually has had a policy of being more protective in seeking out lead agency for projects that have impacts to their permitted jurisdiction.

MR. ARGENIO: I'm not saying that's necessary but I'm

saying that there's construction in the wetlands.

MR. FELLEENZER: Certainly under SEQRA they'll be an involved agency subject to reviews and comments from them and their input but we took a progressive step and met with them on site walked the site, went through these different areas, they had the same plan we talked to them about it and these are the results of that. I certainly understand the Planning Board's concern.

MR. ARGENIO: Let me ask the board and then we're not really getting into site details, we're kind of a step before that. How do you guys feel about this? I mean, one of the things that I have espoused about two meetings running is how busy it is and how much is going on there, Mr. Fellenzer was kind enough to share numbers with us and I don't take exception to those numbers but I'm looking at it and I'm saying when you're drawing lines right on the wetland the hundred foot buffer you're crowded.

MR. SCHLESINGER: I think we previously suggested that those little, there's been no change and I think we're at the same page right now again.

MR. SCHEIBLE: What's the, I'm just curious the usable acreage?

MR. ARGENIO: Good question to ask.

MR. SCHEIBLE: Usable acreage?

MR. FELLEENZER: Well, that wasn't when it was before the board.

MR. SCHEIBLE: We're looking at 25 acres total.

MR. FELLEENZER: It's 25.73 acres total, the wetlands are 5.53 acres so the net usable is 20.20.

MR. SCHEIBLE: A hundred and forty-six units on 20 acres.

MR. FELLENER: Correct, I've noted that I guess there's other projects that have been here, we've noted the density on them, some of them 2 1/2 times.

MR. VAN LEEUWEN: Let's not get involved in other projects, that's bunk, okay, let's stick to what we're looking at here, okay, but let's not get involved in other projects, I don't want to hear that.

MR. ARGENIO: Danny, do you want to, I agree with you, Henry, Dan, do you want to weigh in, do you have any commentary?

MR. GALLAGHER: No, my thoughts are the same, it's pretty crowded.

MR. VAN LEEUWEN: I think it is.

MR. FELLENER: Just so I'm clear is the crowding a density issue or proximity to the building to the setback lines?

MR. ARGENIO: I think they're linked.

MR. SCHEIBLE: One can't do without the other.

MR. ARGENIO: I think they're linked, one is an indication of the other, what do you want from us tonight, Mr. Fellenzer?

MR. FELLENER: I would ask first of all that the planning board consider being lead agency, that we discuss who the involved and interested parties would be such that notifications can occur and then we would work with Mr. Edsall and certainly planning board comments to improve the project and work our way through the approval processes.

MR. VAN LEEUWEN: What's the Town Board have to do about this?

MR. FELLENNER: Town Board has seen it and they have I guess I'd have to talk to the attorney in terms of the, how the wording is but referred us back to the planning board.

MR. ARGENTIO: Yeah, they tend to rely on us to a great extent.

MR. FELLENNER: Their goal was to really determine if this site was okay in terms of being a senior.

MR. CORDISCO: They can't grant a special permit which would allow it to be built until all of SEQRA's concluded.

MR. ARGENTIO: I really kind of was speaking almost in the tongue and cheek fashion about DEC being lead agency but certainly if we were lead agency they would be reviewing all of this, is that right, everything?

MR. CORDISCO: Well, that's correct and on that point I do feel, I mean, just to in terms of a bit of background I was regional attorney at DEC for several years and since that time I've made it my business where I actually get paid by private clients to appear before the department and never in my experience have I been able to persuade DEC to allow a project to move forward with storm water basins in the adjacent area. So I'm impressed if you've achieved that that I should be going with you to the meetings.

MR. FELLENNER: Certainly we're available.

MR. CORDISCO: But that said, I think that some writing from DEC would be helpful here because without that, I mean, it's critical as you understand if DEC is willing

to allow those detention basins to be placed in the adjacent area, well then you don't have to do too much moving around of things on the project site but the plan's going to change significantly.

MR. ARGENIO: Dominic and the physical construction of this fire lane both are significant issues?

MR. CORDISCO: No, I think that's impressive, you know, perhaps I have antagonized Mr. Gaughler (phonetic) in the past but hopefully not but in any event if you can have something in writing that gives this board direction that the DEC is going to consider permitting this I think you need that because it's a key element without it the--

MR. FELLEENZER: Specifically that will have to happen as part of the SEQRA process, I mean, we can't go to the DEC until we determine lead agency.

MR. ARGENIO: Answer my question.

MR. CORDISCO: Which was?

MR. ARGENIO: You forget the question, I figured you did. You answered your own question. My question was I said in a kind of tongue and cheek fashion maybe the DEC should be lead agency because of all this wetland impact and I said it in a kind of tongue and cheek fashion, Dominic, if we do take the position of lead agency, Town of New Windsor Planning Board, is it correct that the DEC is going to have to, they'll review all of this, they'll go through all of this and it will be subject to their approval, is that correct?

MR. CORDISCO: As they proposed it they need permission from the DEC for all those items.

MR. ARGENIO: All right, so we can be lead agency.

MR. VAN LEEUWEN: I think we should.

MR. ARGENIO: We should be lead agency.

MR. VAN LEEUWEN: I think we should find out if they want to be lead agency.

MR. CORDISCO: But the question--

MR. FELLENNER: That specifically the part of the SEQRA process I mean we would notice them and they would, that's the first part of the SEQRA to notice them and ask them if they'd like to challenge you for lead agency on that project.

MR. CORDISCO: Right, and part of the notice would be a description of the project, it would get sent to the DEC and any other involved agency but what I'm trying to suggest to the board is that if the DEC was not inclined to allow that construction within the adjacent area then the plan in my opinion is going to change significantly because all those things that are now in the adjacent area are going to have to be pulled into the main project site.

MR. FELLENNER: Obviously we wouldn't have done this if they said no but they'll have to comment but I understand what you're saying.

MR. ARGENIO: Well, I will tell you I agree Dominic and at that point it's much less of a DEC issue, it's more where we should be lead agency at that point. That's how I feel about it.

MR. CORDISCO: Plus it's not just like you can give it to the DEC, the DEC would actually have to take it.

MR. ARGENIO: Yes, okay, I don't know what the board members think, if somebody agrees that we should circulate lead agency coordination letter I will

certainly accept a motion to that effect and begin SEQRA process.

MR. VAN LEEUWEN: Personally, Mr. Chairman, I don't think we're ready for that.

MR. ARGENIO: Dominic that doesn't--

MR. CORDISCO: The plans could change, plans likely will change as the project moves forward.

MR. ARGENIO: How does that change us taking lead agency?

MR. CORDISCO: You could circulate for lead agency because theoretically this is the most that could be built on site.

MR. VAN LEEUWEN: I so move.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board circulate lead agency coordination letter. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. SCHEIBLE	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I don't know where else we're going, we need to hear from DEC, I still take the same position about the density, I'm certainly not going to beat you up on it, Mr. Fellenzer.

MR. FELLENNER: Is everyone okay with the mix?

MR. ARGENIO: Henry questioned it and I think he was very wise to question it, I quite frankly like it, Neil or Henry, how do you feel?

MR. SCHLESINGER: I agree with the explanation.

MR. FELLENER: Trend is to give people some options.

MR. SCHEIBLE: I have no problem with that either because sometimes you go into these condo projects one row of houses and to see a little mixture would not be a bad thing.

MR. GALLAGHER: I agree with that absolutely.

MR. VAN LEEUWEN: I have no problem with that but just think it's too dense.

MR. SCHEIBLE: That we know the--

MR. GALLAGHER: One quick question.

MR. VAN LEEUWEN: We have so many senior projects now and here's another one.

MR. ARGENIO: I think that--

MR. FELLENER: I don't know if the board handles it in this fashion but typically once lead agency is designated I would like input from you to determine involved and interested parties so noticing can be done correctly.

MR. ARGENIO: That's not been determined yet, we authorize circulation of the letter.

MR. FELLENER: But that's in order to circulate letters we have to know who they go to, do you do that? Boards do this differently.

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MR. CORDISCO: Usually it's coordinated through Mark Edsall's office.

MR. FELLEENZER: We can do that outside of.

MR. ARGENIO: This is not the venue right here tonight.

MR. FELLEENZER: Some boards we do that here so--

MR. SCHEIBLE: Just before you leave, pack up, when you say senior citizen that's going to be 55 and up?

MR. FELLEENZER: Really active seniors is what they call it, you know, but it's 55 and up and it would follow the criteria.